

593^x defended her husband. Finally, since they could not agree, Bompelf
159 ordered his sister not to return to her husband, so that she could be
579 married to another man. For he had decided to test the valor of
Bonyeme by making war on him, and she could not see her husband
taken prisoner by her own brother. Nevertheless, Boldmbd remained
determined and departed in haste. When she reached her husband
she told him everything. In the meantime all the Boëndé and other
Bombwanja clans were taking up arms. Enyuká, for his part, passed the
news on to all Bonkoso villages, as well as their relatives by marriage,
dependents, and Batswá. The various groups of combatants stationed
themselves near the village of Bonganda in what is today the forest
of [41] Boóngónjou, between the Lomeké and the present location
of Besombó, Lofelf, and Engónjó. The Boëndé army was taken un-
awares by the Bonkoso, who attacked and after furious combat routed
them, leaving a number of dead on the field. Bonyeme proposed
a peace. He took pride in not being surpassed in generosity. With a
truly princely munificence he was not satisfied with only paying all
the clans who had lost members but in addition sent Bompelf all that
the latter needed in order to compensate Bombwanja groups for the
loss of their members and, on top of this, brought him a whole fortune
to complete Boldmbd's bride price.

589 The Nkundó are well acquainted with cases of widows who,
587 having reached middle age, take a solemn oath not to remarry or
ever go near a man again. Among the stronger sex such cases are
almost nonexistent. Cases of women who, when sick and dying, wanted
to remain near their husbands, cited later (Chap. VI, Art. II, 4)
should be noted here, as well as preferences for monogamy (Chap.
VII, Art. VI, VII).

581 Bearing in mind the explanation given at the outset, I think I
593^x can state that most marriages contracted by the Nkundó are love
matches. Marriage for political reasons or for certain material ad-
vantages have certainly existed. And especially at the present time,
there are parents who push their children into marriage for the sake
of financial or social gains.

Our conclusions may not be accepted by a number of colonials.
Yet I feel they are valid in the limited sense indicated here. Arguments

584 For his part, the young man gives her some small game animals
491 (especially the big rat called botomba, lemurs of the genus esende,
etc.) or fish. These gifts have no specific name. The man's gifts
are simply called mpato "gift sent"; the woman's are called botmo,
a term used for all presents given by a woman to her lover (see also
Chapter VI, Article VII, 2). The verb used with this noun is tumba,
"to make burn." Etymologically the two words are in no way related.

Sometimes the sweethearts give each other a secret mutual
pledge of their desire to be married. This pledge is called bondenge
or bonenge and consists particularly of a necklace of beads called
bafomakongo (or, more rarely, bisenge or bisengela). [103]

581 In choosing their wives, the men allow themselves to be moti-
vated by the various factors which may influence them in this realm,
such as physical or moral attractions. Wealth or social rank almost
never play a part in determining the choice. Youth is easily carried
away by physical attraction and passionate love. Men who are al-
ready more settled as well as the more sensible young men pay more
attention to moral qualities, such as general conduct, submissiveness,
goodness, gentleness, and especially diligence, careful attention to
work, etc. In short, we find here the full range of individual varia-
tions that are encountered elsewhere, with the exception of marriages
motivated by financial or political interests or by the degree of moral
elevation that can be aroused by the Christian religion, such as pure
devotion.

584 After a few days of courtship the girl lets her suitor know that
if he really loves her he had better settle the matter and that conse-
quently he must obtain her parents' consent. Meanwhile they have
[836] already had intimate relations several times; therefore the moment
of official negotiations should not be delayed.

586x Seeking a wife who is already married is in no way different
587 from the procedure we have just described, but a great deal of circum-
584 spection must be used so that the husband's suspicions will not be
aroused. The exchange of the secret pledge we have mentioned occurs
especially in this situation.

Once the divorce is completed, the woman falls in the same
category as a single girl since she is free.

Seeking a future wife in an as yet unborn child or one that is
very young will be discussed in a special section (Chapter IV, Article I).
[105]

583^x The husband has a second reason for making the walo large: by this means he can bind his wife and his in-laws more closely to him. For the larger the walo, the more difficult it would be to reimburse the husband and therefore to break the marriage. Thus a man will pay a larger amount for a woman he cares for particularly. For their part, his parents-in-law will say: "We must remain on good terms with our son-in-law, for he is generous and wealthy." And if there is a palaver in the household and their daughter wants to leave -- or actually leaves -- her husband, they will be all the more inclined to do everything in their power to smooth out the differences and make her return to her husband's house. They will say, "We have collected so many valuables from him, how would we find the means of reimbursing him?"

583^x
● 587 If a daughter remarries, her parents can demand not only the amount required to reimburse her first husband, but also a supplement for themselves. It is not considered proper to ask too much, however; 10 or 15 rings are usually enough. It follows that a woman's bride price rises with the number of husbands she has had.

583^x The chief reason for the amount of the walo being reduced has always been, and still is, the payment of the bosongo (see Article IX) at the same time with, or immediately after, the walo. It explains the low walo payments in cases 21, 25, 27 and 38b in the list which follows. Nowadays there may be new reasons. Among Christians; for example, a brother may want to help his widowed sister so that she will not have too long to wait before remarrying; or orphans born somewhere in a distant center may have been more or less abandoned by their families (as in case 17). To give some idea of the walo amounts, 583^x
797 I have copied a few cases out of our bride-price records of Flandria Mission. Next to the women's names I have indicated their tribe of origin, then the amount paid for them (in bakonga), and finally the year of marriage. [139] The numbers at the left denote their order in our books. (1)

1. These records are kept because we require that at least the walo be paid before the marriage is celebrated. I should point out that, in an isolated instance, the ikula-ndanga may

583^x If the woman has not yet publicly given her consent because --
 587 as may happen in the case of remarriage after a divorce -- ikula,
ndanga, and walo are all being paid at the same time, she now per-
 forms that ceremony. We need not describe it again; it is performed
 as indicated in Article III, 2. But in this instance the woman hands
 her father one or two rings, or a ring and a knife.

583^x Subsequently, the ndonga conveys the valuables to the woman's
 585 parents. He asks the husband: yela badimba na walo, "bring the walo
 valuables." The latter replies: "Here they are; hand them over to
 my father-in-law." The witness takes a few rings and places them in
 front of the latter, or rather he touches them and makes a gesture of
 pushing them toward the woman's parents, and they pull them toward
 themselves.

As soon as the walo is paid, the bompaka becomes walf or
 "wife." As has already been said, this word has no connection with
walo, or with the root bal, "to marry"; etymologically it is related
 to analogous terms denoting "wife" and "woman" in other Bantu lan-
 guages.

Article V. Valuables for the Mother

583^x Directly after he has conveyed the walo valuables to the woman's
 431 father, the ndonga asks the husband to pay the valuables for her mother:
yela ntaa la nkando [143] ya nyang'ey'ona, "bring the goat and the
nkando for the child's mother." The following gifts are given:

1) At least one nanny goat and sometimes two or more accord-
 ing to the situation; never a billy-goat.

[301] 2) Two nkando, which are copper spirals worn on the legs.
 Formerly, two more for the arms were also required, and old women
 are still sometimes seen wearing them, but they have become much
 rarer than the spirals worn on the legs. Instead of nkando, the Elŋgā,
 the Wāngatā, the Bakāala, and the Ionda use the term nsongā. (1)

1. In Lokonda the term is njeké.

Article II. Marriage by Inheritance

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428 This form of marriage is called liŋla ja lisangŋ or simply lisangŋ. The meaning of lisangŋ is "inheritance," from the verb sangol, "to inherit." The word is used in the broad sense and is applicable to any object.

The death of a husband does not in itself free his widow. She remains bound to the deceased's family.

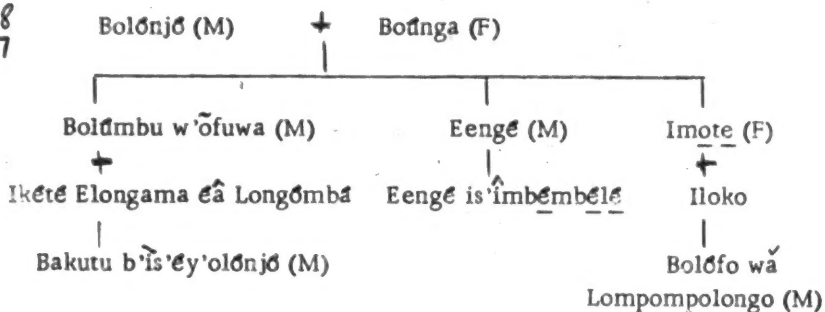
After the celebration of the end of mourning, the widows of the deceased, required to abstain from all sexual relations until that time, go back to their respective families. During the last period of mourning they have already had the opportunity of being courted or of resuming their relationships with their former lovers, whether or not they are relatives of the deceased husband.

A person wishing to marry the widow must address himself to her own family. Therefore, except in the case of the bosŋlŋ, to be discussed in the article which follows, the distribution of wives among the heirs cannot be considered as a distribution [189] of persons as such. Rather it is a division based on the valuables which these persons represent. Theoretically, the wives are inherited by the brother of the deceased, but other relatives, especially nephews, may have partial or total rights over one or another among them. (1) These

1. See Chapter II, Article IV, 3,
as well as Article X.

rights are based on the source of the bride prices by means of which the wives were acquired. We have already touched on this subject in the preceding chapter in relation to certain relatives. Still other situations may arise, but instead of going into a long discussion I shall explain them by giving two case histories.

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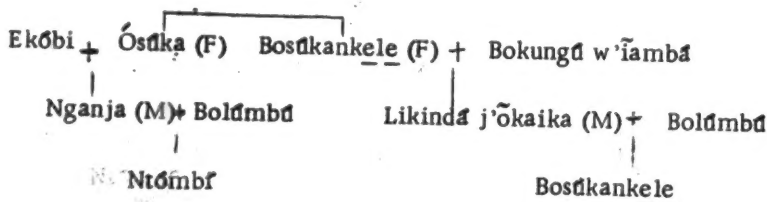


[60] Imote of Eleke (Bongili), one of the Lokongo clans, married Iloko of Imomo (Bongili). With valuables received from his mother's family their son, Bolofu, married three women: Wāngi, Boso'i, his favorite, and a slave from Bolakā (Wāngatā). When he died, his widows went to the Eleke clan which was the source of his wealth. Two claimants appeared: Eenge (first cousin of the deceased but in Nkundō terminology his son) and Bakutu of Bokenda (Besombō) also a first cousin, and considered one by the Nkundō. They were to divide the widows. But both of them chose the deceased's favorite and quarreled over her. In the end she was assigned to Bakutu who was the "father" of his rival and the "elder brother" of the deceased. The slave also went to Bakutu, (2) while Eenge had to be satisfied with the

2. Who yielded her to Ikándó y'àngamba of Eleke.

first wife. But he and his clan retained a right over these women and their [190] progeny. This is rather an old case; in fact two grandsons of Bakutu and Ikandö respectively, whom I know very well personally, are now between fifty and sixty years old.

The following is a more recent example:



428 Two sisters, Osiika and Bosikanketele of Ikengo, Ntombá
 587 (Wángatá), were married respectively to Ekóbf of Likáala (Besombó,
Bombwanja) and Bokungá of Bombénga wá Ikolé (Besombé. Nganja
 married Boldumbá of Iámbo (Bonkoso). When Boldumbá became a
 widow she was inherited by Likfndá, the first cousin of the deceased
 on his mother's side, so that the patrimony would not be scattered.
 She gave Likfndá a daughter, Bosukanketele, whose bride price he used
 to get himself a wife, Bombúla (Teresa), daughter of Ilito of Boléngé
 (Bonglíli). At Likfndá's death the rights returned to Ntombá (Joseph)
 in the person of the widow Bombúla, the nkita of his uterine sister.

587 If the legitimate heir, or some other close relative of the de-
 428 ceased, wants to marry a widow, he consults the head of the family
 589^x and then goes to the woman's parents and gives them bekooli (1).

1. The plural of the noun derived from the verb koola, "to seek, to take for someone," hence, "objects in order to go and take someone."

which consists of 1 to 3 copper rings, added to the amount of the bride price. This gift shows the suitor's respect for the woman's family. (2) If after a time the woman no longer wants to stay with

2. In addition to this native interpretation another may be given which is more profound and of a legal nature. This will be done further on (Article IX).

him, but loves another close relative, the latter also brings his bekooli. This is expected of him even if the woman has not gone home in between, but has gone directly from one man to the other.

[43] [191] The bekooli of the first man are then returned.

If the new husband is only distantly related to the deceased, (1)

[601]

1. In that case he is called éto éá nsóngé, literally "relative from the summit," as against éto éá ntsína, "relative of the base," therefore a close relative.

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● 587
431 against eôto êâ ntsîna, "relative of the base,"
therefore a close relative.

he must not only bring bekooli to the woman's parents but also give a bompangâ (called nsâsangô or bosangôjwâ a goat, a dog, or 5 to 10 copper rings, depending on the circumstances) to the heir. This is not part of the bride price, which is a payment to the woman's family. It is a gift intended to assuage the feelings of the heir and to secure or strengthen his good will. It is equivalent to a request for permission to cohabit with this woman and to profit by her work.

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587 Thus we must distinguish between two types of marriage by inheritance:

1) The new husband and heir belongs to the immediate family of the deceased; he is eôto êâ ntsîna -- a son, brother, uncle, nephew, or cousin.

2) The new husband and heir is distantly related; he is eôto êâ nsôngé.

In the first instance the marriage is considered fairly stable and difficult to break, but nevertheless more easily dissolved than a marriage by nkumbô. With how much difficulty it is dissolved depends on the degree of kinship. The reason given by the Nkundô for the greater ease with which such a marriage is broken is that the heir-husband did not himself pay the bride price; he only received the woman from someone else. Thus, if he no longer wants her, he justifies sending her away by saying, "It was not I personally who paid your bride price." For her part, the woman will invoke the same reason, mutatis mutandis. In all other respects the union is like a marriage by nkumbô. Therefore, [192] when the woman leaves her husband the term kôfa is used here as in the case of a marriage by nkumbô.

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471 The second type of marriage by inheritance is clearly different from the first. The new husband is not a husband from the legal standpoint; he is only a husband in the improper sense, physically. In spite of the nsâsangô paid by the common-law husband, the legitimate heirs, hence the close kin of the deceased, especially the relative who was entitled to the woman and to whom she was given when the

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● 587 inheritance was divided, remain her masters. This is apparent from
428 all the consequences resulting from the situation:

1) Children born of the union belong, not to their natural father, but to the owners of the woman, the banko. They are the ones who will eventually consent to the children's marriages and receive their bride prices. They alone have the right to give the children a name.

553] 2) The man functioning as husband has only partial rights to the results of the woman's activities. Thus, if she finds a treasure buried in her field, captures a fleeing slave, or finds any valuable object that has been abandoned or lost and whose owner is not known, such as, for example, rings, objects of worked metal, elephant tusks, etc., these will not belong to her husband, as they would in a marriage by nkumbó, but to the masters. The latter are also entitled to a part of the fruits of her labor: fish, caterpillars, and even food she has prepared.

3) If, on some occasion or other, the new husband wishes to make a gift or a payment to the woman's family, he has to request the intervention of the husband-owner. He therefore asks the latter to accompany him, saying: ondake likiló, "make me acquainted with my parents-in-law; introduce me to them." They go there with the ndonga.

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587 It may even happen that the bosongo has not been paid yet and that the common-law husband has the slave [193] or the equivalent valuables needed for the payment. With the permission of the owner and accompanied by the ndonga he may make this payment. Nevertheless, he obtains no additional rights over the woman.

If one day the woman returns to the immediate family of the deceased, who are her "masters," the latter must make restitution to the common-law husband for these supplementary valuables and for all the payments he has made. If any stranger marries her by nkumbó, the entire bride price is returned to the heirs of the deceased, who must reimburse the man who has acted as her husband for all the bride-price payments he has made.

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This practice of ndālaka likilō is not without disadvantages. It may be feared that the heir deny that the payments were made and refuse to reimburse the man for them. His refusal is facilitated by the fact that the ndonga involved is the same one who participated in arranging the marriage agreement. Thus, there is a tendency to omit the practice.

Note that the expression ndālaka likilō is not applied only to this situation; it is also used in the obvious sense -- for instance, when the man is simply to make the acquaintance of the woman's [431] family without presenting any payment (though of course it is in- [574] conceivable that such a visit would be made without bringing presents), or in the case of a man who wants to be united with a relative of the wife of one of his relatives or friends.

4) Any presents given by the woman's family to the common-law husband, for instance during a visit or for a service rendered, etc., do not belong to him; by right they go to the heirs. If the latter are kindly disposed toward him, they will allow him the usufruct of a portion of these goods, but he has no right to them strictly speaking.

5) If the woman breaks this union the verb used is not -kōfa [428] but -kumbwa, "to be taken in [194] marriage." If she returns to a [586] close relative of the deceased, that is, to one of his bankōlō, the [587] Nkundō say that "she has returned to her husband," aōlut'ēka bōm'ōkæ. For his part, the man who has taken the woman in common-law marriage may repudiate her at any time. He says to her: kendā ēka baōm'- [428] ākē, em ntsikwēngaki, "go to your husbands; I did not pay your bride [587] price." The valuables he has given as nsāsangō will be refunded.

6) Lastly, if the woman dies while living with this man, he has to pay an indemnity (-foma mbālaka), usually a slave or its equivalent, to the legitimate heirs.

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Thus the second type of marriage by inheritance has none of the characteristics of a legitimate Nkundō marriage. The husband has only the enjoyment of the woman. Only the heir of the deceased may truly and legally call her his "wife." Usually a woman involved in such a union is called the heir's "thing" (yōmba). The heir is called her "owner," her "master," and the term "husband" is reserved for the man who cohabits with her.

428 Because of all these obvious differences, the Nkundó tend to
587 consider this second type of union nonmarital. It resembles actual
581 marriage only externally; in the final analysis, the difference is
fundamental, since it has none of the specific properties of a marriage. Therefore such a union is not a marriage, but a continuous concubinage.

A man who cohabits in this manner with a woman for whom others have paid the bride price is often the object of humiliating allusions. He is treated as nkolasangó, "inheritance taker" (that is, of inherited women). If a woman involved in the type of union described quarrels with one who has been "bought" in the regular manner, the latter will sometimes clap her hands (-foma losáka) to indicate her superiority. That is why such a woman is sometimes called wálf óâ fomalosáka in contrast to the other. [195]

Present-day circumstances make all this even more clearly
[797] apparent. Nowadays, even pagan natives almost everywhere are aware of the intransigence of the Catholic Church on the question of the indissolubility of a marriage which has been effected through the religious ceremony. For this reason the "masters" of a woman who is legally theirs but who is actually living with another man in the manner described, will not permit her to enter into a religious marriage with this man unless he pays the bride price.

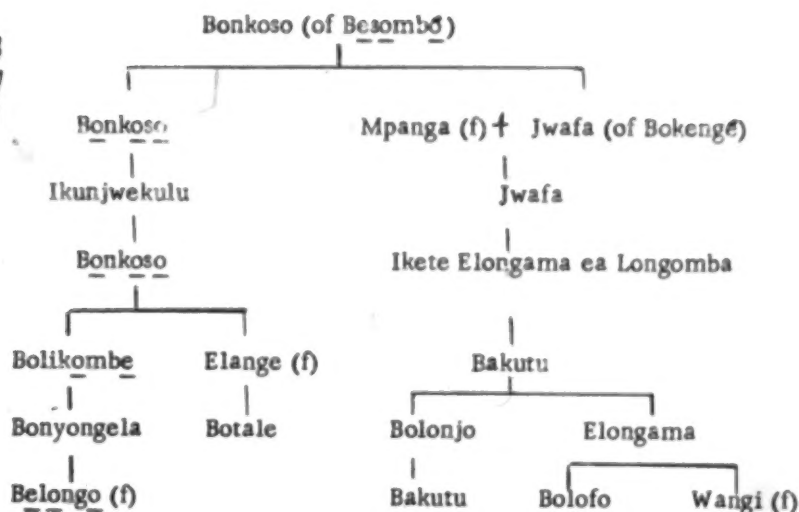
Therefore we may consider the type of union described above a concubinage which does not satisfy the moral conditions for a true marital union. As to the first type of marriage by inheritance, namely a union with a close relative of the deceased, the question is more complicated; but it is my opinion that such a marriage is valid from the moral standpoint. I hope, however, that in order to attain greater certainty on this point, others will re-examine the case in the light of the various aspects of the solution that have been presented.

The following historic case pertaining to individuals whose genealogy appears below will illustrate the preceding discussion:

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Elongama (the younger) married Ikókó of Bongili, daughter of Bolékélá wá Nkunja and Tómpénda. After his death, his widow was taken as inheritance [196] by Bonyongela, to whom she gave a daughter, Belóngó. Bakutu (the younger) and his first cousin Bolófo were the ones who disposed of the daughter's bride price and were responsible for the marriage palavers; her father, Bonyongela, (since deceased) and his brother, Bonkoso, were not. Out of kindness, Bonyongela was given 18 rings. Bolófo added the other 30 to his sister Wangi's bride price to obtain his wife Ióngó (of Likolf, now deceased). After x number of years, Ikókó left Bonyongela for Botálé, a sister's son who, being a close relative, gave no nsánsangó. That which had been paid by Bonyongela was returned to him by Bakutu, since the union was broken. Five years later, Ikókó left Botálé with whom she was dissatisfied because he was lazy and did not bring her enough game, clothing, etc. She went to live with Ilumbé of Ngombe Mbálanga (Bongili), who was a distant maternal relative and therefore gave the prescribed nsánsangó.

Another instance turned up recently (May, 1933). One of our Christians, Babolá Michel of Ianda (Bonkoso) wanted to take a wife.

428 He had set his heart on Bolúmbú, daughter of Ntando Éy'ilengu of

● 587 Sofalambóka. Upon the death of Bolúmbú's husband, Esalé Éá

581 Lonkongá, (in 1926), she had been asked for by Bombóngo, a distant relative of Esalé. Proceeding in the customary fashion, Bombóngo had made his request through the medium of his elder brother Engambí and had paid a bompóngá of 4 bakonga and 20 francs. In the meantime, Babolá reached adulthood; he left our school and returned to his native village. Being a true nephew of Esalé Éá Lonkongá, he had a direct right over this woman, who left Bombóngo. Since the latter protested, however, the priest was faced with a moral problem; the question was whether or not there was a real marriage between Bombóngo and Bolúmbú. If there were, there would be no question of a marriage between Babolá and Bolúmbú, since the Church could not break a valid marriage between Christians. I have said above that a union of the sort involved in this case is not, in Nkundo eyes, a typical marriage. However, I wanted to have every assurance and to be as certain as possible. To that end, I went to Bonjoku at the time of the tax collection. I found many men gathered there. I raised the question of marriage by inheritance. The discussion ended on the unanimous expression of the opinion that in the instance involved nothing opposed the new marriage. The men gathered there added that all similar cases are rather a sort of concubinage accepted by ancestral law, but lacking all characteristics of a true marriage.

In order to avoid the many disadvantages inherent in this second form of marriage by inheritance, the husband, if he has any wealth, will do everything he can to collect the valuables needed for the bride price and pay his father-in-law. The latter will use the bride price to reimburse the heir. By making this payment, which is handed over through a new ndonga designated by him, the husband obtains complete possession of the woman. The marriage by inheritance then changes into a marriage by nkumbó. The besangójwá which the husband had previously given the heir must be returned, and the heir's ties with the woman are broken by these formalities.

[579] It sometimes happens that the heir takes a very dim view of this new payment and takes offense. In the past a war, through illegal, could result -- after which, as always, the matter was settled just the same.

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[58] On the other hand, it also happens sometimes, and even quite often, that although the woman loves her "husband" (in the improper sense) she does not want any change. At heart she remains attached to the kin of her deceased husband, through her love for him or because of her affection for his family, who have always treated her well. It is not unusual for the common-law husband to encounter unalterable opposition to a regular marriage. The woman may [198] even take such offense at the proposal that she will leave the man for a close relative of the deceased.

In this type of situation another sort of development may also occur, although it is quite rare. For example, there is the case of Lowâka, daughter of Bompôkô of Bontole. After the death of her husband, Botûna of the Basêka Ilêka (Lofelf), she was taken in marriage by one of his relatives, Nsenge, who gave the prescribed besangôjwâ to Imomo of Bofalambôka, Botûna's bonankânâ. After a certain time Imomo, who had had a slight palaver with Nsenge, did not want the situation to continue. He demanded a regular marriage so that he could make use of his rights to Lowâka's bride price. Nsenge agreed and paid 60 bakonga to the woman's parents, who reimbursed Imomo. Imomo returned the besangôjwâ he had received, and thus Lowâka became the true wife of Nsenge.

One can see that the gamut of individual variations comes into play here, depending on the temperament and the feelings of the persons involved. But the most common practice is for the widow to remain attached to the family of the deceased or to remarry in the prescribed fashion.

In the latter case the widow goes to a man who is not related to the deceased, either immediately after mourning or after a period of conjugal life with the heir. The latter is entitled to a reimbursement of the bride price. The new husband must make all the customary payments through the medium of his own ndonga, exactly as he would for a first marriage by nkumbô. Consequently, this union is not considered a "marriage by inheritance," with which it has nothing in common.

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431 In any marriage by inheritance -- that is, where no bride price payment is involved -- the husband, whether he be the heir or

428 simply a relative of the deceased, must give the woman a present
387 called isangó, or inheritance gift. The woman either hands this gift
43 over to her family or keeps it for her personal needs. In any case [199]
it is not considered a part of the bride price.

Finally, when a widow remarries, either by inheritance or by a new nkumbó, her husband must make her a present of one or two rings or knives of equivalent value before having conjugal relations with her. This present is given either on the same day as the isangó or on another, depending on the circumstances. It is called boŋgá, "couch," or, more commonly, ikondeyantangé (from -kondeya, "to make someone get on," and ntangé "bed"). It is a gift of consolation for widowhood. This gift of ikondeyantangé is probably what Engels referred to in his study on the Wāngata we have already cited, when he spoke of "buying off mourning."

428 An examination of marriage by inheritance shows that the
517 widow is free to remarry a man of her choice, whether he be the heir or another relative of the deceased or some stranger. The only exception is a woman who has been willed to someone by the deceased. (1)

1. The Nkundó scrupulously observe the stipulations of a will (boango or bowáko) because they fear the vengeance of the deceased. When a person expresses his last wishes he usually adds the threat, "If you don't carry out my wishes, you will follow me in death."

If the heir subsequently does not fulfill his obligations toward her, she can react the same way as in a marriage by nkumbó. As for the special case of the boadó, we will deal with it separately.

Another law may be deduced from the facts observed: as long as no new bride price is paid, the woman continues to belong to the family of the deceased. Only a restitution of the bride price breaks the contract and destroys all its consequences. (2)

2. We will come back to these points in Article IX, and in Chapters VIII and IX.

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587 Lastly, these facts demonstrate collective ownership within the clan or the extended family. When a close relative, such as Bostlid for instance, marries a widow, he considers her legally as his legitimate spouse, just as she was the legitimate spouse of the deceased. [200] No new bride-price agreement is necessary, since the preceding one continues to be valid. The only new element introduced is that another person in the family of the deceased enters into a marriage bond with the widow. Whether the person marrying the woman is the legitimate heir or a close relative makes no difference because of the community of interests that exists (the children belong to Bostlid as much as to the heir, for example). (1)

1. We will come back to this question further on (see Article IX).

897 Because of the superficial resemblance between different situations, it should be mentioned here that the enjoyment of a woman in a common-law relationship is not asked for exclusively in the case of a widow. Such a request may also be made in connection with the wife of a polygamist while the husband is still living, but this is done only by a close relative and even then is not well regarded. Usually the situation is as follows: a man falls in love with one of the wife's in his relative's harem, and she shares his sentiments. He takes her home with him. There is a palaver. The husband is furious, breaks off all relations with the seducer, and wants no more of his invitations or his gifts, which means the quarrel is serious. Therefore, other relatives intervene to try and reconcile the two adversaries; seeing that there is no way to prevent the cohabitation of the pair or judging that such action would not be expedient, they try to pacify the legitimate husband. Through the agency of his elder brother, the lover sends him a gift in entreaty. The husband, finding no one on his side, bows down before the fait accompli, accepts the gift (bompang), and yields the enjoyment of the woman. Instead of going about the matter in this cavalier fashion, the lover may also make his request in the normal manner. If for one reason or another the lovers want to stop living together, they separate without further

837 ceremony. If the husband is kindly disposed toward them, he gives back to his relative the valuables the latter has paid, and the incident is closed. [201]

That is what happened some time ago to Insflo, of Bokenyola (Bonjoku). (1) In the harem of his maternal uncle, Efonja Is'Ōfuwa,

1. Now chief of the Bonkoso,

who was originally from Bonjoku but had been integrated into the Bongale, he had noticed a certain Mbilēyenga, originally from Bosŋŋ, and "his heart was rent asunder," as the Nkundŋ say. Through the agency of his older first cousins Mpetsf ēā Lingomo, ye sent Efonja a bompāngŋ of 6 rings, asking him to be kind enough to allow him to cohabit with this woman. His request was well received. But after a certain number of years their passion cooled, and Insflo wished to contract a proper marriage to give himself posterity. He therefore parted from Mbilē, who went back to her husband. The latter returned the 6 rings to Insflo, because he did not want to enrich himself at the expense of a relative.

Article III. The Bosōlō

428 The marriage of a bosōlō is a special form of the inheritance
● 587 of women.

768 The term bosōlō is used everywhere. The Injōlō also use a synonym, njēmō, an incorrect term derived from the verb ēmola, "to make [someone] get up." Thus they say ēmoja bōna njēmō, "to give the child (son, daughter) a bosōlō." (2) Among the Beloko and their

2. The Elanga tribes in the Losanganya region also use this expression.

Elngŋ the term bombŋŋf is used as well as bosōlō.

On the day when the widows are "lifted from the ground" and

429 permitted "to return to the bed," (3) all those entitled to the rights

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3. See "Les Coutumes funeraires des Nkundo" [The Funeral Customs of the Nkundo] (in press, Anthropos). The Elngã perform this ceremony only a few days after the burial; the Boangi do so even before it. The Injolô are beginning to imitate the Elngã.

of a father -- that is, those who have precedence, whether men or women -- gather with the sister's son to proceed with the ceremony. As always, each person yields his right to speak out of mutual respect. Finally, the eldest again has the floor [202]; it may be the deceased's father, brother, or paternal aunt (isômoto). This individual who is in charge, makes a short speech appropriate to the occasion, and then gives one of the widows to the first-born of the children (nsômf). He takes the latter's preferences into account, having made sure of them in advance. The widow is given to him with the statement: "We have wrested for you the bosôlô which your father has left you," tôkokumela bosôlô bôkf isô okotskêlaka. The actual meaning of kuma is "to seize by pulling toward oneself, to pull up," and includes the idea of strength. The word is primarily used in such expressions as kuma baffo, "to pull up weeds," kuma nsôfô, "to pull out feathers," etc. But it is also employed whenever anything is taken or pulled forcefully toward oneself, as in kuma mbombo, "to pull a chikwangu out of a heap."

The bosôlô is always given to the first-born, regardless of sex, to the exclusion of the other children. If the eldest is a girl, she passes the bosôlô on to her brother, first-born among the boys. This is a real seniority right, and it must be bought, or rather paid for, by the brother by giving his sister a present which most frequently consists of hens, money, small useful objects, or often a quantity of beer. The same rule applies if the eldest yields his right to a younger brother because the latter is passionately in love with her or -- nowadays -- because he does not want to take a second wife.

428 In addition a bosolô is also given to the bōnankānā. Only the
768 eldest son of the sister whose bride price was used by the deceased may
● 57 claim this right. If the bride price of the nephew's mother was not
involved in the establishment of the harem which is to be divided, he
is only entitled to a bosolô who is not someone else's nkita, that is,
who was acquired by means of riches procured through the deceased's
own efforts. If the deceased obtained wives with the bride prices of
two sisters, both of whom have left sons, only the eldest son of the
eldest sister has this right. (1) [203]

1. It may happen that one of the sons of the deceased
is disinherited because of the rights of the
bōnankānā. If that happens and the latter at
least has a wife or can obtain the necessary
valuables in his father's clan, he is supposed
to yield the woman to his unfortunate cousin.
This is a duty imposed by the love of family
(liôta), and he may not evade it.

The practice of handing over a bosolô to relatives other than
the son or daughter of the deceased seems to be an extension of a
right originally reserved for his child.

The desires of the person entitled to the bosolô are taken into
account when she is handed over. However, the eldest son can never
obtain his father's favorite; only an elder brother may inherit her.

It is thus possible for a son to receive his own mother as bosolô,
but only if there are no other widows and if he has no way of obtain-
ing a wife. Naturally, he may not marry her. She is given to him so
that when she remarries he will receive the amount of the bride price
which will be repaid.

If the deceased leaves no harem but does leave a good deal of
other wealth, the bosolô consists of some object of great value. This
practice would seem to indicate that the word bosolô is applied to a
woman only by an extension of its basic and original meaning, "in-
heritance by right of seniority."

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587 As soon as the bosólo is assigned to the person entitled to her, she leaves the group of widows and goes to the home of her new husband. From then on she may cohabit with him, since from that moment the pair are absolved from the observance of the regulations and prohibitions of mourning. Because of her affection for her deceased husband and her sorrow, the woman sometimes begs her new husband to be patient and wait a while. Her wishes are respected, for a refusal to acquiesce would be a very serious offense, which could lead to an immediate rupture of the relationship.

The woman chosen as bosólo may refuse the husband for whom she is intended, though such cases are rare and in the past were even unknown. The following instance [204] goes back to 1932: Mpia of Mbanja "acquired" Bôngongo of Ilángá as wife for his eldest son, Bompelf. But the young man did not want her. So as not to waste his money, the father incorporated the woman into his harem. When the old man died, Bôngongo was given to this same Bompelf as a bosólo. This time it was she who did not want him, and, to make matters worse, all the other widows also refused. Subsequently, a second cousin of Bompelf named Bosénjá wanted to marry Bôngongo. But out of spite, Bompelf did not want to yield her to him except against the payment of a bride price.

Even if the woman makes no objection -- and she generally does not -- and accepts the new husband without loving him, either out of indifference, or to be able to come out of seclusion, or for any other reason, she may always find a way to leave him, if she wishes, for another close relative whom she prefers. This fact indicates that, although theoretically the union of the bosólo is supposed to be more stable than a simple marriage by inheritance, in practice it is not; and it does not attain the degree of permanence characteristic of a marriage by nkumbó. The reason is probably to be found in the fact that the union with a bosólo and the ordinary form of marriage by inheritance are fundamentally identical, and the rights of the family play a great role in both of them. The following is a recent case history: Ifungá, daughter of Esukúlu of Bongangá (Boéndé) and widow of Bolékéla of Bongili was assigned as bosólo to her husband's eldest son, named Boongo. Later she claimed that she did not love Boongo but

429 that she wanted to become the wife of his brother Ekamba. Ekamba
768 did not object. But very soon she broke this union as well. This time
587 the chief decided she was going too far and to please Boongo, who
689 had settled with his mother's clan of which he also was a member, he
sentenced her to several weeks in prison. All sensible people approved
of the chief's attitude. In spite of the suppression of such excesses,
a suppression which is necessary, the woman's freedom is protected.

428 We have already indicated that from a moral point of view the
768 marriage of a bos616 may be considered on the same level as the in-
587 heritance of any woman if she remains among the close kin of the
deceased. The only difference is that such a union is somewhat more
difficult to break.

Article IV. The Replacement or Substitution

586 When a marriage is broken, instead of completing the divorce
587 by restitution of the bride price, the woman's family often has recourse
to the practice of replacing the divorcee by one of her relatives (such
as a sister, cousin, or niece). The act of replacement, as well as the
woman substituted, is called bankitsa. (1) This name is plural noun de-

1. The Ekonda say nkitsa.

rived from kita, "to become," kitana, "to replace, to succeed." The
singular would be linkitsa, but it is never applied to this situation.

The substitute usually does not object to the social obligation
that falls upon her, unless she feels an unusual repugnance toward the
husband. In that case an attempt is made to find someone else in the
family. A family may go so far as to take one of its members away
from her husband in order to substitute her for the divorcee, especially
if no other substitute is to be found and if they care more about the
marriage that has been broken than about her union.

The Nkund6 give the following justifications for the practice
of substitution:

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1) The reference for the continuation of a happy relationship by marriage as against the creation of a new one which has yet to prove itself.

2) The desire to avoid the palavers and troubles involved in the process of restoring the bride price and to hasten in providing the husband with a new wife even if there has been no undue delay in reimbursing him).

3) Concern for the children born of the union which has been broken. [206]. This is a very important reason, for it is completely in the children's interest that their stepmother should be a close relative who considers them her own children and who is therefore to be preferred over an entirely strange woman.

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Just as there is no restitution of the bride price in the case of a replacement, so there is no new bride price to pay. But it is inconceivable that the visits necessary for the negotiations should be made without gifts. Thus a replacement inevitably results in an increase of the bride price, since the new payments made on each occasion are added to the former bride price. The more successive replacements are made, the more the amount of the bride price is likely to increase. Thus I have known instances where a bride price which at the beginning consisted of 100 rings had in the end reached the sum of close to 300 rings.

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In the opinion of the Nkundø the handing over of a bankitsä constitutes a true and valid marriage. But it is not a new union but simply the transfer to a different person of obligations which have never ceased to exist, which derive from a marriage agreement that has never been annulled. Thus the woman for whom the bride price was paid is known as the one who began, or founded, the marriage, the second woman simply succeeding her in it: X. ámangákí lílálá, Y. ad̄sulungana (manga, "to begin," or bondola, "to found," or mumola, "to begin [at the very beginning]"; as against sulungana, "to succeed [someone]," kitana, "to replace," mumola, "to continue"). For them a true succession to a position is involved. The replacement is not simply physical and external; it is fully legal in the same way that an heir apparent succeeds his father as king (there

586^x is only one royal power and dignity which continues to exist through the
587 various individuals invested with it) or as in law when, in spite of a
change in the identity of the debtor, there is no novation. (1) [207]

1. We will return to this question in
Article IX.

Because of the way the Nkundó view this substitution, the bankitsá occupies the same rank in the harem as the woman she is replacing, and she is handed over to the husband by the same ndonga who participated in arranging the initial agreement.

What evaluation should be placed on this union by substitution from the standpoint of natural law? Does it bear the taint of a real vice or does it not? The right of civil powers to break a marriage legitimately contracted is debated. (1) Let us assume that this right exists

1. At the present time the affirmative
opinion has almost been abandoned by
Catholic philosophers, jurists, and moralists.

and, furthermore, that the woman being substituted really consents. Her view, as well as the view of everyone around her, is that this is a matter of submitting to a family duty imposed by the laws which govern her people. One may wonder whether this requirement can be defended before basic principles of the law in general and in the light of morality. In any case the unanimous opinion of the natives that this substitution constitutes the continuation of a marriage through another person is certainly false. It is undoubtedly the result of an insufficient analysis, which leads them to lose sight of the crux of the problem by focusing primarily on the involvement of the clan in the marital union (see Article IX).

Whatever the case may be, it is possible to say without fear that in the great majority of cases a native woman submits to this law because she considers her submission an obligation which, for the good of her family, she is not permitted to escape.

[197] Moreover, the younger generation is beginning to oppose this practice. For example, here with the Sisters there is a young daughter

586* of Bofimbo, named Ngongo, who was given to Bokungu of Bongili as a replacement for her sister Ilumbé when she was a very small child. Since she was not yet nubile she continued to live with her parents. When they became Christians, Ngongo was also baptized. On the other hand, [208] Longála, a son of Bokungu, had become a catechumen and, after coming to the school, was baptized. His father yielded Ngongo to him as his future wife. Ngongo (who was now about seventeen) wanted nothing to do with this marriage. It was not that she refused to have Longála as her husband; she did not want to be married simply as a bankitsá. She insisted on a marriage by bride price, in spite of the difficulties involved in the procedure, which was doubly useless and, for the Nkundu, stupid.

587 There is a second form of substitution: replacement after death.
 583x When a man has lost his wife and both he and the parents of the deceased want to maintain their alliance, he brings them 20 to 25 rings through the medium of the ndonga for the purpose of obtaining a new wife. This payment is called ibóleoko, a term derived from -ból, "to beat" (for instance the clay in the ground) and eoko, "the site of a house." The Injóló designate it by a different name which however has the same meaning. It is sangólekojé, "the inheritance of a dwelling site."

The procedure is as follows: When the widower has fulfilled all his funerary obligations and, at the end of his second visit to his parents-in-law, he is about to take leave of them, they ask him:

"Well, you're leaving. What are you planning to do now?"

He answers, "I loved your daughter very much. She is dead, and I have buried her. I have fulfilled all my duties. I have always lived on good terms with you, and I would like to continue our relationship. But first I must consult my family. Then we will see." That is how he expresses his wish to continue being their son-in-law. After asking his relatives' opinion, he returns to his father-in-law with the ibóleoko. "Here, I bring you the ibóleoko; I come to beat the house site; give me a wife." The father-in-law will have already chosen the daughter, sister, or other relative who is to replace the deceased and has already privately mentioned her to his son-in-law.

587 He hands over to him the woman intended for him, saying "Here is
588 your wife." (1)

1. Among the Ekonda, the ibóleoko payment has no special name. Moreover, before giving the husband a substitute, the parents require 20 to 30 additional rings which are supposed to pay for the mother's mourning and are therefore called basáki ba nyangó.

For a replacement after death, as for one after a divorce, the parents-in-law will sometimes take a daughter from her legitimate husband so that she may serve as substitute.

The 20 to 25 rings comprising the ibóleoko are only the beginning of the payment. A complete bride price is required, as it is for a marriage by nkumbo, but the subsequent installments are not as large as for ordinary marriages. Nevertheless, the replacement is thought of as the continuation of a pre-existing union, though this concept is less apparent here than in relation to a substitution due to divorce. Consequently, in a harem the substitute assumes the same rank as was held by the deceased.

The replacement after death is made for the same reason as after a divorce.

Although the two types of replacement resemble each other in that both involve the substitution of one wife for another, there are considerable differences between them.

A substitution of another wife following divorce does not result in the payment of another bride price nor, consequently, in the standard expression of the woman's consent. But on the contrary, the payment of another bride price is required for a replacement after death, and there is a public expression of consent. It occurs when the husband pays the valuables comprising the ibóleoko and is done in the same way as in a direct marriage by nkumbo. These two differences, and especially the second, make the replacement for a deceased wife a standard marriage from the legal standpoint. [210]

581 that is, that they did not consider themselves the contracting parties.
584 But to my knowledge, their opposition is not considered to invalidate the marriage. I say "to my knowledge" because there is much confusion in the native mind on this question, and it is possible that later discoveries will show that the Nkundø attach a greater importance to consent than we perceive at the moment. As a matter of fact, the inclusion of a ceremony expressing consent in a normal marriage is an indication in that direction.

Let us now examine our data on the value of consent and its expression.

Except in an unusual case, which we are justified in leaving out of consideration in this synthesis since it does not influence our conclusions, there is always consent by the spouses in a standard marriage. Such a consent is first attained in private and then revealed to the parents, who give their approval. At the time of the first bride-price payment, the fiancée expresses her consent by a public and official act, while the husband shows his in accompanying his father in all the proceedings and in taking his intended to his home. In the eyes of the Nkundø that is entirely sufficient.

Another question arises in this connection. The consent of the couple is expressed at the time the ikulá is paid. And the real payment of the bride price occurs only later, without a renewal of consent. Can the expression of consent at the beginning, at the time of engagement, be considered sufficient, since it is virtually continuous? In my opinion there is no reason why it should not be.

581 In the case of a marriage by inheritance, the usual formalities
584 of the expression of consent are omitted, because [226] no new bride
• 587 price is paid. Nevertheless, we note that the heir must go and fetch the widow from her family and make a special payment. The Nkundø explain this action as a mark of respect toward the widow's family, but we may interpret it as an expression, adapted to the particular situation, of the new husband's wish to marry this woman. The woman's willingness to accompany the heir is really a manifestation of her consent to the union. This interpretation is confirmed by the legal requirement that another bekooli payment be made by each of the

581 deceased's relatives who wishes to marry the widow, while the bride
584 price contract remains unchanged. This payment, unlike the bride-
587 price agreement, does not come from the family; it is clearly a personal act of the man who wants to take the widow for his wife.

In the case of a replacement after divorce, the external expression of consent is more vague, since it is limited to the husband's overture's to his father-in-law on the one hand, and the fact that the woman goes with the husband, on the other. The same must be said of the inheritance of a bosolo (Chapter III, Article III). It would be contrary to reality, however, to conclude that because the form of the woman's consent is less prominent, such consent does not exist; with respect to these questions, their attitude is entirely different from ours. To be a replacement is considered a duty and accepted as such. Psychologically, the acceptance of this duty often involves consent; it does not exclude the presence of the will any more than the duty to submit to holy commandments, and to religious and civil laws. Even reverent fear, the fear of punishments, etc., does not prevent a free exercise of the will, although they do diminish it. Nevertheless, there are cases where fear or constraint can be so great as to remove freedom completely. [227]

581 With respect to unions before maturity (Chapter IV), the
584 question is even more difficult. Only the engagement is made in early childhood. The husband's consent is expressed in a manner which is entirely adequate. Since the union does not move from a tentative stage to a final one before the girl approaches puberty, she may be considered capable of giving her consent sufficiently to make a valid marriage, and she gives this consent in going to the home of her husband. Nevertheless, if we compare this expression of consent with those we have observed in the other types of union, it seems very much attenuated and greatly inferior to them.

We may therefore assume that in a general way and under ordinary circumstances freedom is safe and consent is expressed in an adequate fashion.

581 Having recapitulated these facts, let us try to define the legal nature of Nkundó marriage. In ecclesiastic law and in European civil law, a marriage is effected through the official exchange of

582 and those who owe submission and respect. The "superior" relatives
 602 are the ascendants, uncles, aunts, etc., in short, all those bearing
 [576] the title of "father" or "mother," as well as elder brothers (elder
 [601] sisters, elder cousins, etc.), who are batómóló (sing. botómóló).
 The "inferiors" are the descendants, those who are called "children"
 (bāna): sons and daughters, grandsons, nephews, nieces, younger
 brothers or sisters, and those who are classed with them and called
bakíné (sing. bokíné).

599 4) Polygamy and the inheritance of widows introduce another
 587 element. We will see that although persons of certain degrees of
 affinity may not marry, the prohibition is lifted to permit the in-
 heritance of widows.

5) Our term "relatives by marriage" the Nkundó term and
bakiló are not synonymous, even with respect to direct affinity. When
 we use the term "relatives by marriage" here, we are speaking in
 Nkundó terms. They do not consider certain persons whom we would
 include in that category as "relations by marriage." Such persons
 [601] are included in the group which as a whole is designated as likiló
 or bakiló, but when properly and accurately referred to they are
 called bóme, "husband," or wáli, "wife," because they may marry
 each other and therefore affinity, strictly speaking, cannot be applied
 to them. In other words, for the Nkundó, affinity is the relationship
 of a person with (only) those of his spouse's relatives whom he is for-
 bidden to marry. It is well to bear in mind the double meaning of
 this term.

2. The rules

1. Direct Affinity

582 A. Marriages are prohibited in the direct line. Nevertheless,
 603 in accordance with consideration number 4, a son or grandson may
 606 inherit or marry the widows of his father or grandfather, but not the
 reverse. [254]

606 the relations between a wife and her husband's parents are closely
 935 connected with the rules pertaining to the prohibition related to affinity and seems to spring from the same source. Therefore it will be useful to have in mind what we have said in the preceding chapter, Article IV.

The husband's elder brothers treat his wife as their sister.
 607 The wife calls her husband's sisters [300] bakiló, but out of respect she often gives them the title of "mother." (1)

[601]

1. Among the Elángá the wife also calls her husband's sisters bongili (pl. bangili); they call her bōnongili (pl. bānangili). A wife often calls her husband's mother nyangōngili. Bānangili l'ānangili means "the brother's wives and their sisters-in-law."

● 587 After the husband's death, as has been said suo loco, his father or his brother may marry his widow. But this practice is not well regarded and is permitted only rarely, chiefly when the scattering of the family patrimony is feared or if the two interested parties have an unusual love for each other.

837 With respect to children or younger brothers and all those who
 602 fall into that category, the situation is altogether different. Illicit relations with wives of their father, grandfather, uncle, elder brother, or elder cousin, are judged much less severely. Generally, misconduct does not give rise to claims for payment, or the payment is demanded "for form's sake" and consists of a hen and a bunch of bananas. By means of this payment the guilty one recognizes his error and renders homage to the right of his elder.

[624] In general public opinion condemns these relations and often with great severity. The question of degree of kinship as well as other considerations result in a great diversity among the cases, so we will examine each situation separately and distinguish each time between the husband's reaction and that of public opinion.

837 A. A woman's misconduct with her husband's son does not re-
 626 sult in the payment of an indemnity. Nevertheless, the husband who
 595 has been wronged takes action; he defends his rights and is enraged,
 993 whether the situation is very serious or not, and especially if he is
 monogamous. If he has several wives, he is more apt to pass over
 the matter, unless it involves his favorite. Sometimes he takes re-
 venge by striking the guilty son's mother, taking her hens away from
 her, etc. But such action may lead to complications: [301] the
 brother of the woman so treated might intervene, and if the reaction
 of the husband who has been wronged is too violent or recurs too often,
 a divorce may result. In any case the father never hurts his heedless
 son's wife, since he loves her like his own daughter.

The father may apply a direct sanction against the offender
 by delaying the acquisition of a wife for him and refusing his blessings
 for his son's travels and undertakings -- still a serious thing in purely
 native society.

Such relations are always greatly criticized by public opinion,
 even if relatives intervene on the culprit's behalf. The latter is dis-
 graced as a result; he is mocked with the epithet etóonjóló, to which
 [578] often is added the explicative phrase l'óala banyangó b'aningá.
Etóonjóló is derived from etóo, "masculine clothing" and, figuratively,
 "virility in the physical sense," and from bóló, "strength." Thus the
 epithet implies that the culprit is so virile that he goes so far as to
 unite even with his brothers' mothers.

587 Marriage with the father's widow after his death is legitimate.
 626 Nevertheless, if the widow has left children, public opinion does not
 entirely refrain from judgment and though the severity of the criti-
 cism cited above will be attenuated, it may still be heard. Such was
 the case of Yoká of Bokenyola (Bonjoku), which is well known in this
 region. He married Lokoká, widow of his father Insílo y'Okátola and
 mother of Insílo Antoine, present chief of the Bonkoso. (1).

1. With reference to the above-mentioned attitude, an exception must be made with regard to the inheritance of a widow by right

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of seniority (she is then called bosólo -- see Chapter III, Article III). The giving of a widow who is in the position described is preferably avoided.

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Illicit relations between a son and his father's wife are judged with especially great severity if the young man's own mother is still alive. He is reproached for his behavior in terms which are clear and crude: Ody'ðeanganya mbindo iké la mbindo y'is'â nyangó, "you unite your stains (impurities) with those of your father and [302] mother"; Outé nk'eki wé wimánká, "you are returning from whence you came." To these expressions is often added ôwa lóí é! olekí liloka, "you will die because of your too great wickedness." To the [161] Nkundó this last statement is a kind of curse, and if it is repeated by several persons it will not fail to have its effect. Or, to speak as our people do, if everyone greatly wails over and against this man, he will really die. (1)

1. This attitude of the Nkundó may be one of the reasons why widows are assigned not to the son of the deceased, but to his brother.

If the son in question is not married, especially if he has already reached a relatively advanced age, and if he approaches the wives of his polygamous father, the matter is considered less serious. The latter cannot be too angry, especially when only isolated instances are involved; for other relatives will allow their affection for this young man to speak, since they are aware of his passion and therefore understand his temptations and follies. They would intervene to pacify the father and urge him to prevent the repetition of such occurrences by obtaining a wife for his son. In exceptional cases the family council may even judge the father to be in the wrong because of his harshness toward his son and may allow the latter to take his father's wife away from him (never, however, the first wife, the favorite, or the boldmbu); such was the case we described in

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[43] Thus a favorite is in every way the object of her husband's preference. He divides with her all presents he receives, while the other wives are not included in this expression of generosity.
[53] But in the matter of sexual relations, apart from his trips, he has obligations to all of them. The most he can do is to add one night to the usual number (see below).

[54] The co-wives adapt fairly well to this preferential system. Nevertheless, there is a good deal of backbiting on account of it. It may also happen that one or another of the wives is jealous to the point of being unable to bear it. [347] The signs of her rancor multiply, and a divorce results in the end.

[76] The nkondé does not have to go into mourning for anyone other than her husband. Even then she does not remove her clothing. But she does not have to abide by mourning regulations either for her parents or her own children.

• [57] Like the other wives, the favorite is passed on through inheritance. But she cannot be taken as a bosólo by anyone except an elder brother of the deceased.

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192 Nkondé is the specific term by which a favorite is designated. Its etymology is unknown to me. The word is used everywhere, although the Injóló often say lokílo (whose etymology is equally obscure). Another less common (older?) term known to the Bonkoso, Bongili, Wángatá, and Bakáala is bongilí or bongijí (1). In addition

1. The Ekonda call the favorite bokólo. The Elanga of Losanganya say bofif, a name borne by certain women among the Nkundó between Jwalé and Boloko. Might this also be an old name?

to the term ikundaka, already cited, there is also the word ebeléke, a generic term meaning "preference, predilection" or, when applied to a child or a slave, "an object one does not want to dispose of." The favorite is also called áfókítámé, "untouchable," because other men may not have relations with her.

586^x One way or the other, the question was thus settled for both sides.

The term universally employed to signify the breaking up of a marriage by the wife is bokófo, derived from the verb kófa. This word is not used for a wife's repudiation by her husband. Therefore, its meaning is not equivalent to "divorce"; it means rather "to break the union with the husband." The transitive causative form (kófyá) means "to provoke this break." It actually does happen that the woman's family causes the dissolution of a marriage for the sake of a more advantageous union. This should be understood in the context of what we have explained concerning reasons for divorce. Serious failures in the husband's fulfillment of his duties to his parents-in-law are mainly involved here. The remarriage of a divorcée is described by the generic term kumbwa, "to be married to someone."

B. Second hypothesis: a husband wanted to get rid of his wife:
Old natives stated very categorically that such behavior on the husband's part was due not to the cooling of his love, but to [383] incorrigible conduct on the wife's part. He was reduced to this extremity by the impossibility of continuing conjugal life with her.

586^x He did everything in his power to forestall the flight of his wife. by making the first move. After having vainly tried to bring 584 her around through the intervention of her parents and especially the ndonga, he had recourse to one of the following means, which he could in fact use successively. But first he was required to inform the witness and to obtain his approval as well as that of the family authorities. The measures were as follows:

[584] a) Submission to the etáka, a heavy wooden fork fastened to the neck. When the husband has placed the etáka on his wife, the ndonga informed her parents of what had happened. They could then come and free their daughter by returning the bride price. If the husband applied the etáka against the wishes of the witness, the latter could release the prisoner. But in so doing he became guarantor of the reimbursement of the bride price; he became personally responsible for it.

586^x The husband was authorized to keep his wife under this form of torture for months. If his parents-in-law would not or could not

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of this rule, however, could trouble the religious feelings of native Christians and thus produce an effect that is the reverse of the one desired. A religious marriage is in fact indissoluble, and in such cases the obligation to make restitution would be equivalent to a recognition that a religious union could be dissolved. And not only would the native consider this an opposition between the public authorities and Christian morality, but in addition the stability of marriages in general would greatly suffer.

here it must be noted that certain parents use hypocritical circumventions rather than openly showing their refusal. This is how they go about it: if the woman has really abandoned her husband and he, for good reasons such as those given above, no longer cares for his wife with whom he can no longer live (especially if he is monogamous), the question of reimbursement arises. The woman, in connivance with her parents, who do not want to make restitution of the bride price, publicly and officially declares that she is not leaving her husband and wishes to return to the conjugal household, whereas her only intention is to help her parents avoid paying the bride-price valuables. In time she will manage to get out of it one way or another.

3. Special cases

586^x There are some rather special cases in the dissolution of marriage. The first has occurred more frequently since colonization, while the last has practically disappeared.

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● 587 1) Njangô. This word is the noun form of the verb angola, "to seduce or lead astray" (another's wife, his laborer, his slave, etc.). Therefore, it is a generic term, but it is primarily applied to the seduction of a married woman in order to make her leave her husband. It therefore denotes a man's act. Of the woman it is

586 simply said that she has left her husband (aðkófa) and has been taken
 587 in marriage by X (aðkúmbwa éka Sóngólo). Having fallen in love
 587 with another man's wife [390] and desiring to marry her, a man
 tries to win her favor. If she consents he collects the valuables
 necessary for the bride price. He then asks the woman to come to
 him and pays the bride price as for any marriage.

Instead of going directly to her seducer, the woman may
 also first go to her parents, especially if they are in favor of her
 plan. If they are not she would not succeed, because they would
 prevent her from carrying it out.

Cases of njangó were formerly rare because they were risky.
 [121] As a matter of fact, they constituted a casus belli. Anyone who
 undertook such a venture had to be in a position to take the conse-
 quences of his act, especially with respect to the payment of an in-
 [178] demnity. Nowadays, on the other hand, these occurrences are much
 more frequent, even when the new husband does not have the means
 to pay the bride price at once. Nevertheless, the reversal in gov-
 ernment policy is beginning to produce good results. The woman,
 or her mother, is often imprisoned; rarely the seducer. This penalty
 is often sufficient to restore order. But to keep from being exposed
 to further difficulties caused by the woman who no longer loves
 him, the abandoned husband sometimes refuses to take back his
 unfaithful wife.

The rarity of cases in former times as well as the fact that
 [671] they constituted a legitimate reason for war shows that the njangó
 did not have the approval of Nkundó law but that it was more or less
 considered an infraction.

2) Taking refuge. Because of the change in circumstances,
 586 the practice of taking refuge is no longer common today. It used
 587 to be done as follows: A woman who absolutely wanted to leave
 her husband and had no means of doing so, since no man had asked
 for her in marriage and her parents were powerless to help her, went
 secretly to a rich and influential man whom she would have liked
 as a husband. She arrived unexpectedly, stood before him, or even
 threw herself at him, crying, [391] Bejwó bëk! ònjéngé.

586^k In most cases the husband and his parents-in-law try to continue their relationship despite the breakup. If the woman persists in not wanting to go back to her husband despite the pressure, the entreaties, and even the curses of her family, the parents substitute a sister or relative (bankitsa) for her, unless, of course, no relative is available. For in that case they must resign themselves to the restitution of the bride price and a permanent dissolution of the relationship. No new bride-price payment is made for the substitute, as the original bride price is valid for the new union, as we have explained in Chapter III, Article IV.

Finally, there is an exception to the general principle: there is no restitution of the bride price if for some reason there is equivalent compensation of some sort. Nowadays this exception is seldom encountered, as will be apparent from the following details: for example, such an exception occurs if the right of ikfkelo has been exercised, or if the wife of one of the relatives-in-law has been seized. Even if the amount of one bride price is larger than the other, the excess is not returned. Nor is there any obligation to restore the bride price if the wife has been reduced to slavery or has been killed. There are also the cases of the dissolution of marriage cited in Chapter V, Article IV, 2, no. 2, example 17, and in Chapter VI, Article V, 4. If the breakup caused a war and the number killed on each side was considerable (three, five, six corpses), the matter rests there; when the families of those killed have been indemnified, there is no more talk of reimbursement. Occasionally, an influential and rich man who at the same time was spiteful or excessively proud, would take up arms a second time. He claimed that he would not stop until he had the bride-price valuables in his hands. Such behavior met with disapproval everywhere, and even his own family tried to stop him. If the opposing clan was sufficiently strong and stubborn in the struggle, the husband obtained nothing at all. But the desire to get revenge or to be famous as a warrior sometimes caused a man to scorn financial losses. Finally, according to the notions of our natives, a case of enmity between two clans (which we have cited in relation to a woman's application for refuge) should be included in the category of compensations.

586^x to be touched. Even if the belonga and other payments total less than the bride price, nothing can be subtracted from the boóngo. It must always be returned in its entirety.

[422] As to slaves or domestic animals, not only are they subject to the reimbursement law, but in addition restitution must be made of all their progeny, even when it includes several generations. This regulation applies to the maternal line (compare it with the ancient Roman adage: partus sequitur ventrem). Hens and ducks are excepted, however.

To indicate that each side must make restitution of absolutely everything that has been paid, the Nkundó use the expression: lā nsongí lā loréú, "even the needle and the tiny razor."

[409] The reimbursement of the bride price in a case where the woman is returning to her first husband is governed by no special rule. The second husband simply obtains restitution of what is due him. The wife's family often appeals to the first husband's generosity in order to hasten the reimbursement.

If the woman leaves her second husband as well as her first, without the latter having been previously reimbursed, restitution is made to both.

We have seen that the first husband can seize his rival's bride-price valuables as indemnity for the damages the latter has caused him. The woman's family is not required to return those valuables, since they have not received them. This affair therefore does not concern them and involves only the two rivals. In spite of the first husband's every right, such an action often resulted in war. Because of the fear of quarrels and other unpleasant consequences, this custom is no longer practiced. Nevertheless, the idea is not dead as the following case shows. It occurred in 1932.

586^x Engóngó de Lóngá (Nkóle) made the acquaintance of Boénjá, daughter of Bokelé wá Yelemeya of Ntombá (Wángatá). She was married to a Lóngá (Ekonda) laborer named Isongú, a native Boángí, but left her husband to follow her new lover. The latter paid the ikulá-ndanga (9 rings and 35 francs). After a certain number of months, the union broke up. Boénjá was found unsuitable as a wife. Among the faults with which she was reproached was a lack of affection for her fiancé's mother and other relatives, and a

586^x failure to help or respect them. After the union broke up, Bokelé, the woman's father, refused to make restitution of anything whatsoever. His answer to Engondó was, "You should have left another man's wife alone."

Yet all this was in flagrant opposition to Nkundó law. 1) Engondó was wrong to take another man's wife home with him. 2) Isongú could have taken Engondó's valuables away from him at the time the latter was making the payment; it was his right. But 3) Bokelé was also in the wrong. The question [410] of seduction and adultery was none of his business but Isongú's. If he did not like Engondó's behavior, he could have handled the situation differently. Now he had valuables to which he no longer had any right; he had to return them.

Conclusion

586^x The nature of the reimbursement of marriage payments and the various circumstances under which it is made might suggest the conclusion that these goods are not acquired permanently, but rather that they constitute securities. The few exceptions where there is no reimbursement could not change this view. In fact the reason for them is clear -- compensation for that which is not restituted is made in other ways. (1)

[721] 1. This observation -- like others made earlier -- might lead us to believe that in the mind of the Nkundó war and other bloody practices are only means which have little to recommend them and that basically our people disapprove of them.

Nevertheless, this conclusion does not hold up if we compare all the foregoing with what occurs when a marriage is broken through death. For in the latter case nothing at all is returned; everything that was given by each party remains permanently theirs. No payment is demanded even for the children (see below).

52 rough behavior, only strangers married to village men (those known
993* as bāa). This ill treatment is often extended to close rela-
764 tives of the widower, that is, to those whom the women in ques-
tion call bāome, "potential husbands," never to fathers and higher
relatives. (1) The purpose of this practice seems to be to intensify,

1. See Chapter V, Article IV, 1, no. 3,
and Chapter VI, Article VI.

by physical pain, the sorrow caused by death. In addition,
provocatively obscene words, gestures, and movements remind
the widower that from then on he must be continent, as described
in extenso in the study cited above.

765 Afterwards, relatives dress the widower in a lisāki, a
banana leaf which is torn all over horizontally. For all other
mourning garments, as well as for all regulations and prohibitions
that apply to all cases, see the detailed study.

The ill treatment described is not inflicted on the widow.
It is meted out exclusively to men.

The general rules pertaining to seclusion apply to a widower;
in fact they are especially severe for a man. His kinswomen pre-
pare his simple meals. However, if his relations with his father-
in-law were excellent, the latter sends a woman [420] to him
(587) who will attend to his needs. She often becomes his wife when,
after the lifting of mourning, he brings the ibōleoko (Chapter III,
Article IV).

During the entire first period of seclusion, he cannot go
anywhere, at least ostensibly. If he needs to go out, he must
go through the back. If he wants to visit a relative or friend, he
must go behind the huts, in the banana grove, even if it is evening.
In any case, he may not leave the village. Such was the ancient
law, though nowadays it is observed less and less.

Furthermore, he cannot have the slightest contact with any
woman who is not a relative. He cannot even shake her hand,
greet her out loud, or look at her even in passing.

765 expected to attend. It is usually at this time that the negotiations occur relative to a replacement for the deceased (Chapter III, Article IV).

Article II. Seclusion of Widows

As I have described in the article cited, widows (bituka, sing. etuka, or, among the Bombwanja, besámanyi, sing. bosámanyi) are compelled to remain in seclusion for a long time. Before the ceremony of being lifted from the ground, they are ostensibly not permitted to go out. Later they are allowed more freedom; they can go everywhere to do their work, even to the markets. But they are required to spend their nights in the communal seclusion hut.

7624 A widow who did not conform to these rules would meet with serious criticism. She would be said to have not loved her husband (and consequently suspected of having caused his death by sorcery). Moreover, she would be exposed to the avenging anger of the deceased, who would disturb her sleep, thrash her if she went to the forest alone, [422] or would even come to take her into the next world with him.

Insofar as possible all the widows are brought together in one and the same hut. To complete their separation from the world, the entrance is closed by means of a circle of palms, the same as for the seclusion hut of a nursing woman, a bolúmbú, or a woman possessed by the spirit of bongóli (yebola). This is to prevent widows from having relations with passers-by.

The name of the seclusion hut is lokáá (the same as the word for "leaf, "). The Bombwanja use the word lokombí (from komba, "to shut," "to enclose"); the Injóló and the Boángí say lonkíndá. (1)

1. The Ekonda use the word itáá.

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● 587 During the last period of seclusion, although the widows may not be visited by lovers who wish to court them with the object of

Nkundu
Pygmies FO4
Batswa

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765 marriage after the end of mourning, they have the right to accept
● 587 various foods and firewood from them. But a rather dim view is
taken of these services rendered by strangers, that is, by persons
not related to the heirs. For theoretically the widows belong to
the heirs and are their wives, since the financial marriage agree-
ment continues. (2) Nevertheless, if these men are not at enmity

2. See Chapter III, Article IX.

with the heirs, they encounter no opposition. For once the period
of seclusion is terminated, the widows are free to go back to their
respective families and be taken in marriage by anyone able to pay
the bride price. Nevertheless, suitors are not permitted to enter
the seclusion hut even in the last period. They must therefore
transmit presents through the agency of the biúnanyí (sing. eúnanyí),
that is, the relatives of the deceased.

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765 This last period begins with the ceremony of being lifted
off the ground. The widows are made to get up onto the beóngá --
^M [423] bákondeja bituka ndá beóngá. The beóngá consist of split
^P branches of the parasol tree, placed on long branches, which are
(352) in turn attached to posts, forming a small primitive bed, which is
(513) the usual bed of the Batswa that is sometimes also used by the
Baotó, if the latter have nothing better. From then on the widows can
rest on these; they may "rise from the ground." The parasol tree
branches are called beóngá (sing. boóngá), "dead, dry wood." The
same root is also used with other prefixes: eóngá, pl. bióngá;
loóngá, pl. mbóngá. The verbs used are áta, "to split, rend" or
fanja, "to cut." Nowadays the severity of this custom is mitigated
by the substitution of beánga, transportable wicker beds, for the
beóngá.

The ceremony is accompanied by a few dances and a bit of
beer. The head of the family addresses the widows as follows:
"We have split beóngá for you; climb up on them." Then he pre-
sents them with a few hens, given by relatives of the deceased.
The widows prepare them and eat them all.

In every case at least a few beéngo in addition to the ⁷⁶⁴bombémbé and the botsá w'ilaká are always claimed. The latter payments can never be omitted. The belt is a payment made exclusively to the mother and by rights it goes to the mother's clan.

⁷⁶⁴ The higher the amount of these funeral payments, the more ⁶⁰⁶ the son-in-law is welcome. The alliance is perfect. Therefore, ⁶⁰⁷ not only will the wife's family reciprocate his fine feelings by adding a few more dogs, but in addition the son-in-law will be well received and successful in his application when, after the period of mourning, he brings the sum of the ibóleoko in order to obtain a substitute for the deceased. (2) In addition, if the relations with

2. See Chapter III, Article IV.

his in-laws have been excellent, he will easily obtain the substitute in advance, so that she can care for him during the entire mourning period.

⁷⁶⁴ There are severe sanctions against the omission of the ⁶⁸⁹ funeral payments. [439] Neglecting to send the notification gift alone is enough to set these in motion. They are: the breaking off of the affinal relationship; the loss of the children, since the father's offense is equal to a repudiation; and finally molestation of the culprit by the spirit of the deceased. Thus at Bokátola (Bompela) one can find two boys, Botétsí and Ikembá, the children of Bonyongela of Ilángá and Etáka of Bokátola. They have now been incorporated into their mother's clan, because their father did not send a nsango. On stronger grounds the same is true for the whole nkunjí.

Article V. The Social Position of a Widow

⁷⁶⁸ In Chapter III, Articles II and IV, we have already noted ⁵⁸⁷ that in the eyes of the Nkundó, the death of the husband does not dissolve a marriage. The union continues, and even after mourning it is not broken ipso facto. Even to have the woman taken and treated as a wife by another man is not enough to end it. As

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587 long as there has been no restitution of the bride price, the widow continues to "belong" to the heirs of the deceased and to be their wife in the sense described in the chapter cited above, Article IX. The various forms in which this marriage can be continued post mortem have been described in Chapter III, Article II.

There we also saw that nothing prevents the widow from remarrying outside the inheriting family and therefore from becoming involved in a really new and different union. On the other hand, nothing obliges her to do so. She is entirely free. The only exception -- if this instance can be called an exception -- is a widow who is the object of a will, and a bosóló (Chapter III, Article II, in fine, and Article III). As to the latter, it is even difficult to consider her remarriage to the eldest son of the deceased as a limitation on her freedom. For although according to law it is obligatory, in practice it is voluntary and accompanied by guarantees of freedom that are adequate for ordinary cases. Indeed, it is known that she agrees [440] to this union. And she can always resort to divorce if later the heir disappoints her or if the continuation of the union becomes morally impossible.

It would be useless and tedious to repeat all that we have said on this subject in Chapter III. Let us simply reiterate that the distribution of widows should not be understood as a distribution of persons, depriving them of the freedom to be directed by their wills and their hearts, but rather as a distribution of the bride-price claims which they represent. The legal freedom to remarry remains as complete as it is when they are unmarried. This freedom may be subject to influences and even to real attacks, whose seriousness varies with the circumstances, but these are matters of fact and not of law.

If the widow considers herself -- or is considered -- too old for remarriage, or even if she desires to remain continent in faithfulness to her deceased husband, she may continue to reside with the clan of the deceased, instead of returning to her own family. The heirs usually do not oppose such an action and respect her wishes. If she has children or grandchildren there is no question about it; they are glad to keep their aged mother or grandmother near them.

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584 She can also remain in her fiancé's family and there be taken in marriage by one of his kinsmen. If everything favors the continuation of the union, the new husband-to-be pays the bride price, but he need not repeat the engagement payments, which retain their validity. If he belongs to a distant branch of the family, however, the kin of the deceased will not want to give up their property, and the new fiancé himself will have to acquit himself of all the bride-price obligations, beginning with the ikulá.

[763] Sometimes the dying man, in making his last requests, en- joins his family to maintain the alliance. In that case one of his kinsman must marry the woman. If later on a breakup becomes inevitable, the spouses separate. For that matter, if the woman lacks the inclination to remarry in her fiancé's kin group, she will not be forced to do so.

This practice is based on the stipulation of Nkundó law that engaged persons have all the duties and privileges of married couples.

● [587] There is nothing among the Nkundó that resembles a levirate. Even in the case we cited of a last will, the obligation derives solely from the sacred nature of that will. [448]

Article IX

The Death of the Woman Before the Payment of the Bride Price

Two situations must be distinguished: 1) The woman dies during the engagement; 2) she dies before the bosóngó.

1. Before the walo

As has already been said, engaged persons enjoy all the duties and privileges of a married couple. If the girl dies the fiancé must fulfill all obligations toward the deceased and her family (transporting the corpse, sacrifices, nkunjí). But his obligations do not end there.

Through the payment of the ndanga (and, in practice, already through the ikulá) he is considered responsible for any accident that might befall his fiancée in his home; and he has assumed the

768 legal importance. The solutions given are the same whether the
672 cause of death be organic or criminal. If the latter is the case,
682 however, the murderer must pay an indemnity, which is given to
the person who has been wronged, whether it be the woman's hus-
band or her family; in any case he thus satisfies the requirements
of justice.

A woman may be murdered while she is visiting one of her
husband's kinswomen in accordance with her husband's wishes.
In that case the sister-in-law's husband bears the responsibility.
He must indemnify the victim's husband, and he himself is entitled
to indemnification by the murderer. To simplify this procedure,
the murderer can make his payment directly to the widower; justice
is still safeguarded. But in no case does the indemnity go to the
victim's father, for legally and economically it belongs to the
husband, not to the father, who is indemnified through the funeral
payments. [461]

Conclusions

1) A marital union is broken by death only for the person who
581 dies. For the one who remains alive, the dissolution is completed
768 only after other procedures. If the husband dies the widow remains
the wife of the heirs and is free only after restitution of the bride
price has been made. At the death of the wife the husband can
marry a substitute.

A widow's remarriage without restitution of the bride price
581 (and therefore without a new bride price), or that of a widower
● 587 with a substitute, is considered a continuation of a pre-existing
768 union which has not been dissolved. This continuation is not
absolute, however. Actually, it is perfect only in the case of the
husband's death, in which case his kin group inherits all his rights
and therefore also the rights to the wives he has acquired by means
of his capital. On the other hand, if a widower is to continue the
relationship after his wife's death, he must pay another bride price.

The difference between the two instances is due to the con-
nection of the bride price with the "ownership" of a woman; she
remains subject to it and as a result becomes legally the spouse

768 of her husband's heirs after his death. Only her own death takes
581 all power away from the bride price, which then becomes a purely
● 587 material value.

That is why the Nkundó expression "continuation of marriage" is ambiguous. For a widower the marriage continues from the standpoint of ties between families. But from the legal point of view there is a new marriage, since he pays a new bride price for the substitute, and there is therefore an entirely new contract. Only for a widow does the marriage really continue, as long as there is no divorce between her and the deceased husband's heirs. The agreement retains all its validity in her person, whereas the husband's obligations are transferred to the heirs. There is only a change of the persons subject to the agreement, which is therefore in no way annulled. The question here is a substitution in the role of husband. [462]

The preceding should be understood as relating to the financial agreement or bride-price contract as we have explained in Chapter III, Article IX. For the conjugal pact or consent agreement is annulled by death, since an heir as well as a widow must interpose new acts in order effectively to become man and wife. What the Nkundó call the continuation of marriage is therefore only the continuation of the bride-price agreement between the families, and not of the conjugal pact between individuals.

It would be desirable to have a moralist thoroughly examine the philosophico-theological validity of the continuation of this marriage after the death of one of the parties. Personally I think that for the widow, and on condition that nothing else opposes it, it is valid. For consent is expressed by the man through the payment of the bekooli and by the woman through the act of accompanying the man as his wife.

2) From the economic standpoint, death does not change
768 the situation that existed during life. The various bride-price valuables remain in the hands of the respective parties. The difference between the consequences of death and those of divorce are therefore very clearly delineated, as was indicated in the Conclusion of Chapter VIII, Article III.

583 to an old, worn-out, gray-haired man, it naturally often occurred that when she arrived at maturity, she no longer wished to remain with him. She therefore left him and went to another, or back to her family. In the latter case, however, great difficulties arose concerning the return of the bride price. Indeed, with the bride price the father had received for his daughter, he bought himself another wife. This wife was then called the Nkita of the daughter. We could translate Nkita in this case as "substitute." The Nkita represented the value of the sold or married daughter. Meanwhile, the daughter herself was often the Nkita of the daughter or sister of her husband. Thus, many women were the Nkita of each other. According to their customs, the children (boys) were in theory the heirs of the Nkita of their mother. The Nkita was, in fact, the value or the bride price of their mother.

One might ask whether the wife was then always content that she was, so to speak, an object of trade. In general, yes, she was satisfied with this. This is how the customs were, and nobody gave a thought to changing them. Usually the wife simply found herself in an arranged situation (fait accompli). Gradually a certain sense of honor is coming into being among the Christian wives against these heathen customs.

If the woman desired that a large bride price or purchase price be paid for her, was it also because she wished to care for the future of her children who would be heirs of her bride price? No, they say, not for that reason -- for, they add, what woman knew in advance that she would have children, and moreover boys? There [163] are, in fact, many women who have no children. Also, [536] only 583 the boys are eligible for the inheritance; the girls are heirs only in 428 name. When it came to the inheritance, the children inherited the 587 Nkita of their mother only if there were no more brothers of the mother or uncles on their father's side. The mightiest always had the greatest right.

Usually a youth had to acquire a wife with the bride price or supplement of the bride price of his sister. The inheritance of the Nkita of his mother was only secondary. Still we often see a heathen wife leave her husband in order to go to another, without bothering much about her children who remain with the deserted husband, their father.

583 If the wife was content and if she insisted that a large bride price be paid for her, it was out of vanity and also to procure money for her family (father or brothers), and not out of concern for her children.

586 Divorce. When the wife left her husband to go back to her family, they had to give back the bride price they had received.
583 In general this was a very difficult business, because the bride price was used by the father or the brother to obtain another wife for himself, the Nkita. Thus, in order to be able to return the bride price, they would have to sell this Nkita or give her back to her family and ask for the return of her bride price. There were few other ways to give back the bride price; all their property consisted of wives. Since the family usually could not or would not return the bride price, the deserted husband then sought to become the master of the mother or a sister of his runaway wife, whom he then kept as a hostage. Among the heathens, this was a commonly used expedient to retrieve the wife or the bride price. When the runaway wife discovered that her mother or sister was a prisoner of her former husband, she often went back out of sympathy for her mother or sister. When the wife had gone not to her family but to another man, which was often the case, the family urged this second husband to give the bride price to the first husband. This was usually the only practical means by which the difficulty was resolved. This second husband then paid the bride price to the first. Since the [537] bride price often had been only paid in part by the first one, he then paid the remaining portion to the family.

Sometimes, if there were no way to return the bride price, the woman was forced to go back to her deserted husband. To avoid unpleasant treatment, she had to feign submissiveness.

586 As soon as an agreement was arrived at, either with the family or with the second husband, over the return of the bride price, 587 the first bond was considered broken. If the woman was with her family, she was considered free to enter into a new agreement. If, however, she was with another husband, then after the argument she was considered bound to that second husband. The primary bond of their agreement thus appears to be the bride price.

586 If the wife had children, these remained with their father, and the bride price was only partially returned. The value of the children was, so to speak, subtracted from the bride price.

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Everywhere there were also abducted women and female slaves; these were simply sold. Furthermore women were bought and sold with women [as payment]. Also women who were inherited and no longer in the hands of their family were sold by their second, third, or other subsequent husband. In all of these cases, the family no longer came into consideration for the bride price. One would have to stretch the point in order to consider the sums paid in these cases as a bride price, and consequently as a native custom which one must respect.

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Or one should have to assume that such a native woman remains a "bride" for her whole lifetime. It will be said that the woman consented to her sale by one man to the other.

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Often this was indeed the case, but not always by any means, for children and slaves were also sold. Even the consent of the woman did not prevent it from being a sale; her consent was rather an extra transaction that simplified the sale of a human article of trade. It still remains woman trade.

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The Inheritance. Upon the death of a polygynist, the burial ceremony was conducted according to the class and rank of the deceased. One or two or several [539] slaves were killed and buried with the polygynist in the same grave. Sometimes the arms and legs of those male and female slaves were broken, and then they were buried alive in the same grave with the body.

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When these slaves still had family, it might happen that the family members, having learned of the unfortunate lot of their relative, would hasten from faraway districts to buy him or her free if it was not yet too late. Several Negroes have told us of those heart-breaking scenes at which they were present as children. The mourning and the lamenting over the dead lasted from a week to a month.

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The eldest son immediately succeeded his father in position and immediately took one of the wives of his father.

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The other sons divided among them the lances and knives of their father.

If the deceased had left no son, or if he was still too young, the oldest brother succeeded the deceased. All of the wives had to remain in their own home, except the wife who was immediately taken by the eldest son. They were obliged to await the day of the distribution. This day was put off for from one to four months.

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● Meanwhile, these wives were subjected to a certain discipline. They were called Bituka, which we translate here as "widow." During this time they were allowed to speak with the relatives of the deceased, but they had to remain at home; it was not permitted for anyone to take these wives.

When the time came for the distribution, the one in charge, namely, the son or the brother of the deceased, called together the heirs and parties concerned. On the day of the distribution, in the morning before dawn, the bituka left their dwelling place and went to the man with whom they had already come to an agreement, so that by daybreak all the huts of the bituka stood empty. Each of the wives of the polygynist usually has her own hut. At the appointed hour, the meeting was announced by the usual beating of the tomtom. The wives, the heirs, and all parties concerned then came together.

If there were many wives to distribute, the order of distribution was as follows: in the first place the brothers of the deceased received their share; in the second [540] place came the sons; and in the third place, the grandsons, that is, the sons of the daughters who received their share from the Nkita of their mother. If at this time the wife did not want to go with the man for whom she was designated, she was sold to another. Sometimes the family of the wife was not satisfied with that, and if they could, they gave the bride price back in order thereby to free their daughter or sister. Such a wife then came back to her family, where, however, she was again married in return for another bride price. The family acted thus to prevent its daughter or sister from simply being sold. When the grandsons were still too young, their share of the Nkita of their mother went to their uncle, the son of the deceased. The latter had then to provide a wife for them later, which he usually never did without making a great deal of trouble. If the daughters had no sons who could inherit their Nkita, they received some of the father's personal property as inheritance: goats, dogs, lances, knives, proas, etc. If the deceased had left a daughter but no sons or brothers, the daughter had to supervise the distribution of the inheritance.

Our civilized idea that the wife, the mother of the family, is the first heir, is thus not taken into consideration there. Indeed, the wife, the mother herself, is inherited if she is not too old.

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What is one to do if even in such cases it is taught, "One must respect" the native customs?

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The inheriting of wives existed everywhere; it was, in fact, the only wealth left behind by the native. The details of the distribution differed according to district or tribe. Thus, for instance, in some districts it was the eldest son who alone inherited all of the wives of his father. This was in order to preserve the rank and the class of the family. Prestige and power actually depended only on the number of wives that one possessed. In this case, however, this eldest son had, in place of his father, to provide a wife for his younger brothers and the sons of his sisters. As far as impediments to marriage were concerned, generally they strictly observed the impediment of blood relationship; two blood relatives, even in a distant degree, should never enter into marriage, [541] with the exception of the irregularities mentioned above. As for relatives by marriage, these do not exist for them in any degree. There is, nevertheless, one case that somewhat resembles relationship by marriage, namely, the Nkita might never be in the home of a man together with the woman whose Nkita she was. Thus, the son-in-law or the brother-in-law might never take the Nkita of his wife into his home. If, however, the wife had left or died, there was no further impediment.

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When, like the inheritance above, the family had returned the bride price and had then married the woman to another man, this second husband also had to give a gift to the one who, according to the law of inheritance, had the right to the wife. This gift was called a bampanga.

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If the wife who was freed by the family had children, only a part of the bride price had to be returned. Sometimes the wife was freed completely through her children. The children then remained with the family of the deceased husband, and they then represented the value of the bride price of their mother. If, however, such a woman was married again by her family, they demanded a second bride price for that.

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Sometimes a single woman was the Nkita of several other women. In the inheritance several people then had a right over her, and everyone demanded his share. For instance, a young man

587 had to acquire a wife with the bride price or with a supplement of
 428 the bride price of his sisters. Three of his sisters, for instance, were
 583 married, and he needed 3,000 mitako to pay for his intended wife. Now he went with presents to his three brothers-in-law and asked for 1,000 mitako from each of them. The bride price was already paid to the father; the 1,000 mitako that he asks are a supplement of the bride price.

With these 3,000 mitako, our young man pays for his wife. This wife now becomes the Nkita of the three sisters. If this young man dies, his three sisters and his three brothers-in-law all demand their share back from the widow. If she is sold, the price must be divided among the three brothers-in-law. If she remains in the family of her husband, with the uncle or brother, she continues to be the Nkita of her three sisters-in-law.

431 [542] There also exists a general rule and custom that the
 583 family which has received the bride price regularly give gifts to their daughter and son-in-law or sister and brother-in-law. These gifts consisted of goats, dogs (which also have a rather large value among the natives), ducks, etc., but the gifts never consisted of money. These gifts were in turn given by the son-in-law or brother-in-law to the one who had helped him pay the bride price.

For instance, if the young man of whom we just spoke received gifts from the family of his wife, he would then have given these gifts to his three brothers-in-law. These gifts were often so much that the value of them was almost equal to the bride price that the man had paid for his wife. Custom demanded, in such a case, that the man then pay a supplement to the bride price.

In case the bride price had to be given back, the gifts that the family had already given might be subtracted from the bride price. When such disputes are brought before a European, it is difficult for him to settle them, for the value is tremendously exaggerated by the parties. The husband will demand the return of a much larger bride price than he actually gave, while the family on its side will estimate the gifts that they had given as much higher than the actual value or amount.

436 Something about prices, the bride price for wives, and native money value.

Their first original money was as follows.